

Wetlands Bureau Decision Report

Decisions Taken
01/19/2009 to 01/25/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2005-02313 NH DEPT OF TRANSPORTATION
COLEBROOK Mohawk River & Balsam Brook

Requested Action:

Amend permit due to changes in the mitigation proposal. Amended proposal includes mitigation for the 2.57 acres of permanent impacts to include the protection of 12.59 acres of land and a payment into the Aquatic Resource Mitigation Fund.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE AMENDMENT:

Amend permit to read: Reconstruct 3 miles of Route 26 including realignment, widen both lanes to 12 ft. with 4 ft. shoulders, replace drainage structures including the replacement of two bridges over the Mohawk River, a bridge over Balsam Brook and a 78 in. culvert with a 6 ft. x 9 ft. box culvert in Roaring Brook impacting 122,367 sq. ft. (10,506 sq. ft. temporary) of riverine and palustrine wetlands.

Mitigation for the 2.57 acres of permanent impacts includes the protection of 12.59 acres of land and a payment into the Aquatic Resource Mitigation Fund.

With Conditions:

With amended conditions:

1. This approval is contingent on receipt by DES of a one time payment of \$52,933.59 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or compliance measures will be pursued.
2. All work shall be in accordance with revised plans by NHDOT received by the Department as follows:
 - a. Sheets 1-3, 5, 6, 8- 10, 12-16, and 20, received on September 26, 2005;
 - b. Sheets 4, 7, and 17, received on August 17, 2006 and
 - c. Sheets 11,18,19, and 21-24 received on September 20, 2006.
3. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans (ECP) to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
4. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
5. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Construction equipment shall not be located within surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
17. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
18. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
19. The impacts associated with the temporary work shall be restored immediately following construction.

Wetland preservation:

20. This permit is contingent upon the protection of 17.824 acres on seven parcels that include 4,600 linear feet of river frontage per documentation and plans received on October 3, 2006 to mitigate for the 2.57 acres of permanent impacts.
21. A copy of the recorded deeds noting no further development of the parcels shall be submitted to the DES Wetlands Bureau following DOT purchase of the properties. The Wetlands Bureau shall be notified of any subsequent transfers of the property to another agency that has been retained for management purposes.
22. The conservation easement area shall be marked by stakes and signs indicating the location and restrictions of the area prior to construction.
23. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
24. Activities in contravention of the conservation measures shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

With amended findings:

1. The original permit issued by the Department included preservation of 17.824 acres of land.
2. The applicant pursued all options for mitigation and the result was preservation of only 12.59 acres of land for the 2.57 acres of permanent impact.
3. The department has determined that this project can finalize the mitigation components through payment to the Aquatic Resource Mitigation (ARM) Fund per Env-Wt 803.07(d)(2).
4. The payment calculated for the proposed wetland loss equals \$52,933.59.
5. The Department decision is issued in letter form.
6. The payment into the ARM fund shall be deposited in the DES fund for the Upper Connecticut River watershed per RSA 482-A:29.

2008-01155 MDR SOUTH PEAK LLC
LINCOLN Unnamed Wetland

Requested Action:

Dredge and fill 106,000 square feet (2.43 acres) of wetlands, intermittent and perennial streams (impacting 13,494 linear feet) to construct a Phase III residential subdivision, condos, ski lodge and associated roadways for the Loon Mountain Ski Area in Lincoln. Work will include stabilizing previously impacted stream channels on the property using fluvial geomorphology design standards and buffer plantings. Mitigate overall impacts by placing a conservation easement on 36.23 acres of undeveloped land that abuts the White Mountain National Forest and other conservation land.

Inspection Date: 08/17/2001 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill 106,000 square feet (2.43 acres) of wetlands, intermittent and perennial streams (impacting 13,494 linear feet) to construct a Phase III residential subdivision, condos, ski lodge and associated roadways for the Loon Mountain Ski Area in Lincoln. Work will include stabilizing previously impacted stream channels on the property using fluvial geomorphology design standards and buffer plantings. Mitigate overall impacts by placing a conservation easement on 36.23 acres of undeveloped land that abuts the White Mountain National Forest and other conservation land.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated June 2007 entitled "South Peak Resort, Phase III Subdivision, Crooked Mountain Woods", as received by DES on September 19, 2008; and in accordance with revised plans by Horizons Engineering dated October 2008 entitled "MDR South Peak LLC, Timberline Village Condominium, East Branch Lodge", as received by DES on December 24, 2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback within the "Crooked Mountain Woods" subdivision.
3. The deed which accompanies the sales transaction for each of the lots in the "Crooked Mountain Wood" subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
5. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Stream work shall be done during low flow conditions.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

MITIGATION CONDITIONS:

17. This permit is contingent upon the execution of a conservation easement on 36.23 acres of undeveloped land as depicted on plans received by DES on December 24, 2008.
18. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
19. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
20. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

21. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
22. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
23. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(c), as wetland impacts are greater than 20,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the entire Phase III project area on August 17, 2001, and found that the majority of the roadway impacts for developing the Phase III areas occur within intermittent and perennial streams.
6. The proposed mitigation plan to preserve 36.23 acres of land meets the ratios and requirements listed in Env-Wt 800 for Compensatory Mitigation.
7. A full Environmental Impact Statement (EIS) was completed in 2002 for the development and expansion of Loon Mountain ski resort into the White Mountain National Forest. On February 26, 2002, the USDA Forest Service released a Record of Decision (ROD) for the EIS, which documents their recommendation to implement Alternative B for the proposed development.
8. The impacts associated with this phase of development meet the recommendations listed under Alternative B of the EIS.
9. Because of past public concerns with the development of South Mountain, a public hearing was held at DES on January 23, 2002 for the first phase of this development under Wetlands Bureau file #2001-0146.
10. Overall, DES finds that the project as proposed will not significantly impact the areas and environments under the department's jurisdiction; therefore, an additional public hearing will not be required.

MINOR IMPACT PROJECT

2008-00980 CROMWELL, THERESA
NORTHFIELD Detention Pond

Requested Action:

Deny permit request to dredge and fill 7576 square feet to expand an existing pond and construct a culvert outlet within jurisdiction.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill 7576 square feet to expand an existing pond and construct a culvert outlet within jurisdiction.

With Findings:

1. A request for additional information dated August 20, 2008, addressed to the applicant and copied to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. The applicant submitted a partial response to the Request dated December 19, 2008 on December 22, 2008. This was received 4-days after the date listed in the More Information Request, December 18, 2008.
4. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.
5. The response from the applicant did not include an easement from the property owner of lot R6, lot 52, Coutu.
6. The response from the applicant states that the expansion of the pond within the wetland is simply a maintenance activity. The

evidence supporting this claim has not been provided at this time.

**2008-02477 AMES FARM INN, DONALD & PETER AMES
GILFORD Lake Winnepesaukee**

Requested Action:

Retain 74 linear feet of retaining wall repaired in kind on an average of 1210 ft of frontage on Lake Winnepesaukee, Gilford.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE AFTER THE FACT:

Retain 74 linear feet of retaining wall repaired in kind on an average of 1210 ft of frontage on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated December 02, 2008, as received by DES on December 10, 2008.
2. Repairs shall maintain the approved size, location, and configuration of the retaining wall.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
5. This permit does not allow for any addition work on this frontage.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

MINIMUM IMPACT PROJECT

**2008-02683 MILLSTONE REALTY TRUST, DAVID & JACQUELINE DOCKO
PITTSFIELD Jenness Pond**

Requested Action:

Permanently remove an existing 4 ft x 40 ft seasonal dock and install a 4 ft by 50 ft seasonal dock on an average of 116 ft of frontage on Jenness Pond, in Pittsfield.

Conservation Commission/Staff Comments:

No comments from Con Com by January 16, 2009

APPROVE PERMIT:

Permanently remove an existing 4 ft x 40 ft seasonal dock and install a 4 ft by 50 ft seasonal dock on an average of 116 ft of frontage on Jenness Pond, in Pittsfield.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering dated August 10, 2008, as received by DES on December 08, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 50 feet from the shoreline at full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal pier or wharf if no more than 2 slips are proposed.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 116 feet of shoreline frontage along Jenness Pond.
6. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2008-02768 MANCHESTER PARKS RECREATION & CEMETERY DEPT, CITY
MANCHESTER Black Brook & Maxwell Pond

Requested Action:

Dredge and fill 10,688 sq. ft. of surface water, banks and associated wetlands (includes 5,357 sq. ft. of permanent restoration impacts and 5,331 sq. ft. of temporary construction impacts) for removal of the Maxwell Pond Dam and restoration of Black Brook in Manchester.

APPROVE PERMIT:

Dredge and fill 10,688 sq. ft. of surface water, banks and associated wetlands (includes 5,357 sq. ft. of permanent restoration impacts and 5,331 sq. ft. of temporary construction impacts) for removal of the Maxwell Pond Dam and restoration of Black Brook in Manchester.

With Conditions:

1. All work shall be in accordance with plans by Dubois & King Inc., plan sheets titled "Wetland and Waterbody Impact Plan" and "Wetland Delineation Plan" dated December 7, 2007, as received by DES on December 19, 2008 and plan sheets 2 through 9 of 9 dated September 19, 2008, as received by DES on January 16, 2009.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Work shall be done during drawdown.
4. All seeding and plantings shall be native plant species and all fertilizers used within the protected shoreland shall consist of low phosphate and slow release nitrogen fertilizer.

5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. All proposed plantings shall have at least 75% success after two (2) growing seasons, or the site shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
17. All mulch used during the project shall be straw and precautions shall be taken to assure the mulch does not include invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*).
18. A post-construction report documenting the status of the project area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and after one full growing season.
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t) Restoration of altered or degraded wetlands provided the project:
 - (1) Receives financial support and direct supervision of a New Hampshire state agency, the US Environmental Protection Agency, the US Army Corps of Engineers, the US Natural Resources Conservation Service, or the US Fish and Wildlife Service;
 - (2) Shall not be used to perform restoration in cases where the applicant is subject to a removal or restoration order;
 - (3) Is not located in or adjacent to prime wetlands; and
 - (4) Does not meet the criteria of Env-Wt 303.02(k).
2. The dam removal and stream restoration has been overseen by NHDES Watershed Management Bureau and the dam removal will be conducted by the NHDES Dam Bureau.
3. The project is being funded through restoration funds from the US Environmental Protection Agency, the NH State Conservation Committee Moose Plate Program, National Oceanic and Atmospheric Administration, American Rivers, the City of Manchester and the NH Corporate Wetlands Restoration Program.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The structure was built at the turn of the 20th century and has deteriorated with age and possess a safety hazard and liability for the owner.

6. The project is being conducted to remove an unsafe dam, however, the focus of the project is also to restore the impaired surface water created by the dam and to remove the migratory barrier to fish within the Black Brook and from the adjacent Merrimack River.
7. It has been documented that 17 species of fish are present downstream of the existing dam, however, only 8 to 9 species have been found upstream of the dam. Of particular interest is the declining American eel populations, which are blocked from migration to the upper reaches of Black Brook.
8. The pool associated with Maxwell Pond is listed as an impaired water under Section 303(d) of the Clean Water Act due to dissolved oxygen saturation levels. The removal of the dam and return to a free flowing brook is expected to improve dissolved oxygen levels and remove the surface water from the impaired waters list.
9. There is currently a pending Administrative Order (AO) issued by the NHDES Dam Bureau for repair or removal of the dam, however, the (AO) is for safety concerns due to the failing dam and is not a result of a non-permitted wetlands or surface water impact or other environmental degradations resulting from the dam.
10. The applicant may have chosen to repair the dam, which would have resulted in the loss of the restoration opportunity.
11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
12. There will be limited direct impacts to the stream by removal of accumulated sediments, existing masonry walls and the creation of the new stream banks.
13. The created banks will be planted with a New England warm season grass and a mixture of native trees and shrubs. Additionally, if needed any pond, stream or bank areas within 800 feet of the dam that have been exposed by the lowering of the water level will be seeded with a northeast wetland seed mix.
14. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
15. It is expected that any indirect impacts to wetlands from lowering the proposed water levels will result in the wetlands reverting to a riparian upland community buffer along the restored free flowing stream.
16. The proposed project is the second phase of the Maxwell Pond Dam and Black Brook Restoration Project.
17. The dam gate was previously removed and water levels lowered under NHDES Wetlands Bureau permit #2008-2009 in anticipation for this phase of the project. Additionally, through review of the project by NH Fish and Game Department (NHFG) it was requested that the water level be lowered before October 1, 2008 to minimize the potential effects on over-wintering biota.
18. There were no federally or state endangered or threatened species or exemplary natural communities within the project site. However, the site was identified as having a potential impact on the state endangered species (*Alasmodonta varicosa*) brook floater.
19. The NHFG Nongame and Endangered Species Program submitted comments stating that they do not expect impacts to rare, threatened, or endangered species including the state endangered brook floater mussel, as a result of the Maxwell Pond Dam removal.
20. The NHDES Watershed Management Bureau reviewed the toxicological evaluation reports for the Maxwell Pond sediment samples and determined that the sediments are not compromising the ecological integrity of the aquatic environment and the down-gradient environment is not at risk of being compromised upon dam removal.
21. The project area and pond is surrounded by property owned by the City of Manchester.

FORESTRY NOTIFICATION

2008-02662 HICKS II, FORREST
JEFFERSON Unnamed Stream

COMPLETE NOTIFICATION:
Jefferson Tax Map 17, Lot# 8

2009-00059 MALVESTA, ROBERT & NANCY
EATON Unnamed Stream

COMPLETE NOTIFICATION:

Eaton Tax Map 6, Lot# 15, 23 & 24

2009-00066 RUTLEDGE, DAVID
WARREN Unnamed Stream

COMPLETE NOTIFICATION:

Tax Map 5, Lot# 62

EXPEDITED MINIMUM

2008-02484 HOLLIS, TOWN OF
HOLLIS Unnamed Stream

Requested Action:

Impact a total of 588 square feet within the bed and banks of a perennial stream to include 328 square feet of temporary impact for the installation of cofferdams and 260 square feet permanent impact to replace the existing 3'x5' concrete box culvert with a 24-foot by 72-inch culvert beneath Wright Road for safe vehicular passage.

Conservation Commission/Staff Comments:

The Hollis Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 588 square feet within the bed and banks of a perennial stream to include 328 square feet of temporary impact for the installation of cofferdams and 260 square feet permanent impact to replace the existing 3'x5' concrete box culvert with a 24-foot by 72-inch culvert beneath Wright Road for safe vehicular passage.

With Conditions:

1. All work shall be in accordance with plans by R.L. Ouellette Associates, LLC dated September 4, 2008 and revised December 30, 2008, as received by DES on December 31, 2008.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. No fill shall be done for lot development.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Prior to commencing work on a substructure located within the stream, a cofferdam shall be constructed to isolate the substructure work area from the stream.
9. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

11. Temporary cofferdams shall be entirely removed immediately following construction.

12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand

dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k).

2. The existing box culvert beneath Wright Road has deteriorated, restricts stream flow, and Wright Road is limited to one lane; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02798

MHC TUXBURY CAMPGROUND LLC

SOUTH HAMPTON Unnamed Wetland

Requested Action:

Dredge and fill 1,500 square feet of palustrine forested wetland within the bed and banks of an intermittent stream for the installation of two (2) 30-inch by 55-foot culverts to construct an access driveway.

Conservation Commission/Staff Comments:

The South Hampton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill 1,500 square feet of palustrine forested wetland within the bed and banks of an intermittent stream for the installation of two (2) 30-inch by 55-foot culverts to construct an access driveway.

With Conditions:

1. All work shall be in accordance with plans by Civil Construction Management, Inc. dated September 2008, as received by DES on December 26, 2008.

2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

3. Work shall be done during seasonal low flow conditions.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.

6. No fill shall be done for lot development.

7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

8. Culvert outlets shall be properly rip rapped.

9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The impacts are necessary for access; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts area occurring within a narrow portion of jurisdictional area; therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2009-00088 SARGENT, KEVIN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

PERMIT BY NOTIFICATION

2009-00073 BENT, CINDY & SANDY TREMBLAY
BARRINGTON Unnamed Wetland

Requested Action:
Impact 2000 sq. ft of wetland for the repair of a 24" water main line

PBN DISQUALIFIED:
Impact 2000 sq. ft of wetland for the repair of a 24" water main line

With Findings:

1. The owners of this property, Barrington Tax Map 201, Lot 16 are Sandra Tremblay and Cindy Bent.
2. The applicant is not the property owner; has failed to submit written permission from the property owners to apply for this permit, and in fact have been refused such permission; nor does the applicant have property rights, such as a utility easement, sufficient to satisfy RSA 482-A:11, II, which requires reasonable proof of ownership.
3. The required ownership signature line on the PBN application received by DES on 1/16/2009 contained no signature.
4. DES has received a complaint regarding this application via email that will be investigated under separate cover.

CSPA PERMIT

2008-02269 **LOESCH, RICH**
EAST WAKEFIELD **Ivanhoe Lake**

Requested Action:

Construct a 393 sq ft open deck off of an existing conforming primary structure.

APPROVE PERMIT:

Construct a 393 sq ft open deck off of an existing conforming primary structure.

With Conditions:

1. All work shall be in accordance with plans by Michael Kelly dated October 15, 2008 and received by the Department of Environmental Services ("DES") on January 13, 2009.
2. No more than 15.69% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project shall impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02459 **STATE OF NH DRED - TRAILS**
TILTON **Winnepesaukee River**

Requested Action:

Impact 37,815 sq ft for the purpose of extending the Winnepesaukee River Trail (Phase II). The trail will be extended approximately 2 miles from Park Street in Northfield to Route 140 in Tilton.

Conservation Commission/Staff Comments:

APPROVE PERMIT:

Impact 37,815 sq ft for the purpose of extending the Winnepesaukee River Trail (Phase II.) The trail will be extended approximately 2 miles from Park Street in Northfield to Route 140 in Tilton.

With Conditions:

1. All work shall be in accordance with plans by The Louis Berger Group Inc. dated September 29, 2008 and received by the Department of Environmental Services ("DES") on November 10, 2008.
2. Any additional revisions to the plans created by the The Louis Berger Group Inc., last revised September 29, 2008, and received by the Department on November 10, 2008 that change the proposed footprint of the trail will require a shoreland permit amendment.

3. No more than 10.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 121,909 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 42,047 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The proposed accessory structure, as identified on the town of Tilton Tax Map U-4 Lot 73, will be partially located within the 20 ft accessory structure setback to public waters and will exceed 150 sq feet in size and, therefore, fails to conform to the setback and size restrictions set forth in Rules Env-Wq 1405.04 and Env-Wq 1405.03 (b)(1).
2. The proposed area of trail located closer than the 20 foot accessory structure setback will not exceed 330 sq ft and will be located no closer than approximately 17 ft from the reference line.
3. Granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety.
4. Granting the request will not result in an impact on abutting properties that is more significant than that which would result from complying with the rule.
5. Granting the request is consistent with the intent and purpose of the rule being waived.
6. The applicant's proposal will decrease the likelihood of adverse environmental impacts and erosion entering the Winnepesaukee River by constructing the trail in a manner that decreases the disruption of existing natural ground cover on an embankment.
7. The applicant will enhance the waterfront buffer by planting additional vegetation according to proposed planting plan titled Plan and Profile, sheet number 8, dated September 29, 2008.
8. The criteria of Part Env-Wq 1413, Waivers From Rules, has been met and, therefore, Rule Env-Wq 1405.03 (b)(1) is waived to allow an accessory structure to exceed 150 sq ft in size and Env-Wq 1405.04 is waived to allow an accessory to be placed closer than 20 feet to the reference line.

2008-02472 BROCK/QUINN, PAUL/ADRIENNE
HARRISVILLE Lake Skatutahkee

Requested Action:

Impact 2700 sq ft for the purpose of constructing a new foundation under an existing house, adding a new deck, and replacing existing decks.

APPROVE PERMIT:

Impact 2700 sq ft for the purpose of constructing a new foundation under an existing house, adding a new deck, and replacing existing decks.

With Conditions:

1. All work shall be in accordance with plans by DB Architects LLC dated November 9, 2008 and received by the Department of Environmental Services ("DES") on December 18, 2008.
2. There will be no impacts to currently unaltered native vegetation from activities associated with this project in order to comply with RSA 483-B:9, V, (b), (2)(A)(i).
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02494 DRAKE, ANGELIA
HAMPTON Taylor River

Requested Action:

Impact 128 sq ft for the purpose of constructing a deck extending no more than 8 feet from a pre-existing, non-conforming, single family dwelling.

APPROVE PERMIT:

Impact 128 sq ft for the purpose of constructing a deck extending no more than 8 feet from a pre-existing, non-conforming, single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Angela Drake dated April 1, 2006 and received by the Department of Environmental Services ("DES") on November 17, 2008.
2. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. No more than 18.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02567 ALLENTOWN SEWER COMMISSION, TOWN OF
ALLENTOWN Suncook River

Requested Action:

Impact 24,000 sq ft for the purpose of constructing a sewer force main on Library Street.

APPROVE PERMIT:

Impact 24,000 sq ft for the purpose of constructing a sewer force main on Library Street.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner Associates, Inc. dated September 2008 and received by the Department of Environmental Services ("DES") on January 14, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02688 HUDSON, RAY
SALEM Millville Lake

Requested Action:

Impact 1,646 sq ft for the purpose of constructing an addition onto an existing single family dwelling and installing a new septic system.

APPROVE PERMIT:

Impact 1,646 sq ft for the purpose of constructing an addition onto an existing single family dwelling and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by JM Associates revised on January 16, 2009 and received by the Department of Environmental Services ("DES") on January 16, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. There will be no impact to areas currently in an unaltered state in order to comply with RSA 483-B:9, V, (b),(2)(A)(i).
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02690 DIEHL, DEBONY
JACKSON Ellis River

Requested Action:

Impact 921 sq ft for the purpose of installing a septic system.

APPROVE PERMIT:

Impact 921 sq ft for the purpose of installing a septic system.

With Conditions:

1. All work shall be in accordance with plans by Ammonoosuc Survey Company dated January 8, 2009 and received by the Department of Environmental Services ("DES") on January 12, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no impacts to currently unaltered native vegetation in order to comply with RSA 483-B:9,V,(b),(2)(A)(i).
4. The project as proposed will leave approximately 2500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. No more than 17.87% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02793 MALLARDS LANDING ASSOCIATION
BELMONT Winnisquam Lake

Requested Action:

Impact 9,750 for the purpose of removing an existing single family dwelling and shed, and constructing a new single family dwelling, shed, patio, sidewalk, and driveway.

APPROVE PERMIT:

Impact 9,750 for the purpose of removing an existing single family dwelling and shed, and constructing a new single family dwelling, shed, patio, sidewalk, and driveway.

With Conditions:

1. All work shall be in accordance with revised buliding plans by Craig Bailey dated December 30, 2008 and received by the Department of Environmental Services ("DES") on January 14, 2009.
2. No more than 19.9 % of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. The project as proposed will leave approximately 10,987 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,931 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00006 TEMPLE, JOHN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 1,245.2 sq ft for the purpose of installing a new septic system.

APPROVE PERMIT:

Impact 1,245.2 sq ft for the purpose of installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Micah Beaulieu dated September 23, 2008 and received by the Department of Environmental Services ("DES") on January 5, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

7. No more than 16.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 8,800.6 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,105.15 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00019 TENNEY, PHILIP
MOULTONBOROUGH Wakondah Pond

Requested Action:

Impact 700 sq ft for the purpose of constructing an addition on north side of existing single family dwelling.

APPROVE PERMIT:

Impact 700 sq ft for the purpose of constructing an addition on north side of existing single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated November 26, 2008 and received by the Department of Environmental Services ("DES") on January 6, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas to remain unaltered and wetlands.
3. There shall be no impacts to native vegetation associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. The project as proposed will leave approximately 10,940 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 10.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/WAIVER

2008-01683 ECKHARDT AND JOHNSON INC
MANCHESTER Cohas Brook

Requested Action:

Impact 38,145 sq ft to expand an existing nonconforming commercial structure and parking area.

Conservation Commission/Staff Comments:

1/5/09

The applicant has recieved a 30 day extension. A response is due by 1/29/09. -TG

APPROVE PERMIT:

Impact 38,145 sq ft to expand an existing nonconforming commercial structure and parking area.

WAIVER APPROVED: RSA 483-B:9, V,(g),(1), is waived to allow the improvement and expansion of facilities on a commercial property adjacent to Cohas Brook.

With Conditions:

1. All work shall be in accordance with building plans by CLD Consulting Engineers dated April 7, 2008 and received by the Department of Environmental Services ("DES") on August 18, 2008, stormwater control plans by CLD Consulting Engineers dated July 30, 2008 and received by DES on August 18, 2008 and planting plans by CLD Consulting Engineers dated March, 2008 and received by DES on August 18, 2008.
2. This approval includes a waiver of the impervious surface limit set forth in RSA 483-B:9, V,(g),(1). This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. All stormwater retention, infiltration and treatment structures shall be constructed and stabilized prior to the expansion of the commercial facilities.
4. No more than 88.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed shall impact no unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structures exceed the impervious surface limits adjacent to Cohas Brook and, therefore, fail to conform to the restriction set forth in RSA 483-B:9, V, (g), (1) of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The Applicant has submitted evidence that permeable or porous paving materials will not withstand the loading and traffic specific to this commercial entity. The applicant has proposed to direct all stormwater runoff on the property to a proposed underground stormwater management system.
4. The applicant has proposed to plant native vegetation as specified on planting plans by CLD Consulting Engineers dated March, 2008 and recieved by DES on August 18, 2008.
5. The project as proposed would result in treatment of all stormwater accumulated by impervious surfaces on the property and planting of native vegetation, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2008-01806 APPALACHIAN MOUNTAIN CLUB
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 168 sq ft to construct an addition to an existing cabin.

APPROVE PERMIT:

Impact 168 sq ft to construct an addition to an existing cabin.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of an existing structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with building plans by Jack Trickey received by the Department of Environmental Services ("DES") on September 2, 2008.
2. This approval includes a waiver of the minimum primary building setback set forth in RSA 483-B:9, II(B). This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. The amount of impervious surface within the protected shoreland shall increase by no more than 168 sq ft unless additional approval is obtained from DES.
4. The project as proposed shall impact no unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to plant 2 Red Pines and 1 White Pine in a clearing to the rear of the structure.
4. The applicant has proposed to install gutters on the proposed structure to direct stormwater away from the lake.
5. The applicant has proposed to plant native vegetation and install stormwater controls and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.